

REMARKS

Claim amendments

Allowed independent claim 48 has been amended to correct a grammatical error; such amendment does not narrow the scope of the claim in any manner and is not presented for reasons related to patentability.

Claim 56 has been added. The subject matter of this claim is supported throughout the specification and the claim does not present new matter. In order to contain cost, and for no other reason, dependent claim 9 has been canceled.

Allowed Claims 40-55

Applicant notes with appreciation that claims 40-55 are allowed; as such, these claims are not discussed further herein.

Allowable Claims 8, 10, 17, 20, and 27

Applicant notes with appreciation that claims 8, 10, 17, 20, and 27 are indicated as being directed to allowable subject matter. However, due to Applicant's belief that their respective independent claims define patentable subject matter (see below), these claims have not been amended.

§103 Rejection - Claims 1-2 and 4-7

Independent claim 1 requires, *inter alia*, that first and second face sections of the blades be related so that the "second face section extend[s] at a forward angle relative to said first section." On this point, the Examiner acknowledges that Selhorst "does not teach the paddles having two distinct faces." Therefore, the Examiner points to Lupton and states that Lupton shows "blades with a first leading face (106) and a second angled face (104)." Applicant respectfully suggests that the Examiner is misconstruing Lupton. As best can be seen in

Figures 9-11 of Lupton, the face indicated at 106 is forward facing relative to the direction of rotation. However, the putative second face, indicated at 104, is plainly angled back relative to face 106, not forward. This can be clearly seen in the side view of Figure 10, where the face 104 extends to the right, while the "forward" direction is to the left.¹ Thus, the putative second face 104 in Lupton is, in terms of the claim language, extending at a rearward angle, not a forward angle. Accordingly, the combination of Selhorst and Lupton, assuming *arguendo* that they can be properly combined, does not teach or suggest each and every limitation of independent claim 1. Indeed, on the precise teaching pulled from Lupton, Lupton teaches the opposite of the claim language. Therefore, Applicant submits that independent claim 1, and its dependent claims, define patentable subject matter over the cited art.

With further regard to dependent claim 5, the Examiner asserts that "Selhorst also teaches that the core of the drum has a non-circular cross section." The Examiner describes Selhorst as showing "a drum (5) disposed to rotate about a generally horizontal axis." Assuming this to be true, Applicant can find no indication anywhere in Selhorst that the core of the "drum" 5 is non-circular. Indeed, Figure 1 of Selhorst appears to plainly show that the core of element 5 is circular, not non-circular. Thus, Applicant simply cannot find any support for the Examiner's position in the cited document. Thus, Applicant submits that the Examiner has failed to put forth a legally proper *prima facie* case for obviousness of claim 5. Accordingly, Applicant submits that dependent claim 5 defines patentable subject matter over the cited art, even if claim 1 does not.

Claims 6, 9, 15, and 18 stand rejected under §103 over Selhorst in view of Lupton in further view of Kneer. The Examiner relies on Kneer solely for teachings related to "motor" and "container." Assuming *arguendo* that Kneer may be thus combined, the addition of Kneer does

¹ The "forward" direction is plainly shown in Figure 9 by arrow 116, and paddle 40 is plainly disposed rearward on the corresponding flat surface of the center section 28 in Figure 9. This location is also shown in Figure 10. Taken together, Figures 9-10 plainly show section 104 being angled in the "rearward" direction.

not cure any of the defects noted above. As such, Applicant submits that the claims define patentable subject matter over the combination of Selhorst and Lupton and Kneer, assuming *arguendo* such can be properly combined.

§103 Rejection - Claims 11-12, 14-16, and 18-19

Independent claim 11 requires, *inter alia*, that first and second face sections of the blades be related so that the "second face section extend[s] at a forward angle relative to said first section." For reasons similar to those expressed above with respect to independent claim 1, Applicant submits that the combination of Selhorst and Lupton, assuming *arguendo* that they can be properly combined, does not teach or suggest each and every limitation of independent claim 11. Therefore, Applicant submits that independent claim 11, and its dependent claims, define patentable subject matter over the cited art.

§103 Rejection - Claims 21-26, 28-30

Independent claim 21 stands rejected under §103 over Lupton alone. Independent claim 21 requires, *inter alia*, that first and second face sections of the blades be related so that the "second face section extend[s] at a forward angle relative to said first section." For reasons similar to those expressed above with respect to independent claim 1, Applicant submits that Lupton does not teach or suggest a structure meeting the limitation of "second face section extend[s] at a forward angle relative to said first section" found in independent claim 21. Therefore, Applicant submits that independent claim 21, and its dependent claims, define patentable subject matter over the cited art.

Applicant recognizes that claims 28-29 stand rejected under §103 over Lupton in view of Kneer. The Examiner, in explaining the rationale for this rejection, discusses a "motor" limitation as it relates to the teachings of Kneer. However, neither claim 28-29 add any "motor" limitation. As such, Applicant is assuming for purposes of this response that the Examiner meant to refer

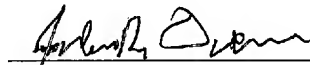
to the alleged "container" teachings of Kneer. The Examiner is specifically requested to clarify this issue if the rejection of these claims is not withdrawn. Assuming *arguendo* that Kneer may be thus combined, the addition of Kneer does not cure any of the defects noted above. As such, Applicant submits that the claims define patentable subject matter over the combination of Lupton and Kneer, assuming *arguendo* such can be properly combined.

New Claim 56

Dependent claim 56 has been added, depending from independent claim 1. This claim does not introduce new matter, as support for this claim may be found at e.g., page 10 and Figure 6. Applicant submits that this claim defines patentable subject matter over the cited art for at least the reasons set forth above with respect to independent claim 1.

In view of the above, Applicant submits that all presently pending claims are in condition for allowance, and notice of the same is respectfully requested

Respectfully submitted,
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